

AMENDED IN ASSEMBLY JANUARY 5, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1225

Introduced by Assembly Member Granlund

February 28, 1997

~~An act to add Section 7154.6 to the Health and Safety Code, and to add Article 6 (commencing with Section 12960) to Chapter 1 of Division 6 of the Vehicle Code, relating to anatomical gifts. An act to amend Sections 27491.4 and 27491.41 of the Government Code, to amend Sections 7150.5 and 7155 of, and to repeal and add Section 7151.5 of, the Health and Safety Code, and to amend Sections 12811 and 13005 of the Vehicle Code, relating to health.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1225, as amended, Granlund. ~~Anatomical Gift Awareness Trust Fund~~ *Health: Sudden Infant Death Syndrome and anatomical gifts.*

(1) Existing law requires the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden, or unusual deaths, including deaths where the suspected cause is sudden infant death syndrome.

Existing law permits the coroner, as part of this inquiry, to take possession of the body and make, or cause to be made, a postmortem examination or autopsy of the body to make findings pertinent to establishing the cause of death.

Existing law requires this examination or autopsy where sudden infant death syndrome is the suspected cause of death,

unless the infant's physician of record certifies sudden infant death syndrome as the cause of death and a parent objects to an autopsy on religious or ethical grounds.

This bill would delete this exception, and would make conforming changes in related provisions. By requiring examination or autopsy in all cases in which sudden infant death syndrome is suspected as the cause of death, this bill would impose a state-mandated local program.

(2) The Uniform Anatomical Gift Act sets forth the standards and procedures for making, revoking, and refusing anatomical gifts. Among other things, the act authorizes an individual who is at least 18 years of age to make an anatomical gift for certain purposes, limit an anatomical gift to one or more of those purposes, refuse to make an anatomical gift, or amend or revoke an anatomical gift. Existing law also specifies the manner that consent may be given to make an anatomical gift.

This bill would permit a person between 15 and 18 years of age to make an anatomical gift, to the same extent as a person who is at least 18 years of age, upon the written consent of the person's parent or guardian. This bill would also permit an anatomical gift to be made, amended, or revoked by an oral statement made by means of a tape recording in the donor's own voice.

(3) The act authorizes a coroner, medical examiner, hospital, or local public health officer to release and permit the removal of a part from a body within that person's or entity's custody, for transplantation, therapy, or reconditioning if certain requirements are met.

This bill would repeal this authorization and instead would prohibit a coroner, medical examiner, hospital, local public health official, or any other person from releasing and permitting the removal of a part from a body, including a cornea, from a body within that person's or entity's custody for transplantation, therapy, or reconditioning unless the decedent or certain specified persons made an anatomical gift in accordance with certain provisions or the person or entity obtains consent from certain specified persons either in writing or, upon consent of the parties involved, by a tape recorded telephone conversation.



(4) *The act also makes it a felony for a person to knowingly, for valuable consideration, purchase or sell a part for transplantation, therapy, or reconditioning, if removal of the part is intended to occur after the death of the decedent.*

This bill would also prohibit a 3rd party, other than certain specified persons who have consented to the removal of a body part of the decedent in accordance with specified provisions, from receiving compensation for the sale or transfer of that body part for transplantation, therapy, or reconditioning. By creating a new crime, this bill would impose a state-mandated local program.

(5) *Existing law requires the Department of Motor Vehicles to provide for a form that may be carried with a driver's license or identification card by which the licensee or cardholder may indicate his or her willingness and intent to make, or refuse to make, an anatomical gift, and provides for the procedures to be used by the department with respect to this form.*

This bill would repeal and recast these provisions to require the department to develop a procedure that would enable a licensee or cardholder to indicate his or her willingness and intent to make, limit, amend, revoke, or refuse to make an anatomical gift pursuant to a provision of the act and, if applicable, the date that a pacemaker has been implanted. It would also prescribe the procedures to be developed and followed by the department with respect to anatomical gifts.

(6) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state,

reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law, the Uniform Anatomical Gift Act, sets forth the standards and procedures for making, revoking, and refusing anatomical gifts. Existing law also requires the Department of Motor Vehicles to provide a form which may be carried with a driver's license or personal identification card issued by the department for the purpose of designating a person's willingness to make an anatomical gift.~~

~~This bill would require peace officers and emergency medical personnel responding to a scene of a medical emergency to ensure that a victim's driver's license or personal identification card containing an anatomical gift consent form, if any, and a medical alert bracelet, if any, accompany the victim upon transport to the hospital, and if the victim does not survive, would require hospital personnel to return the license or personal identification card to the department within 5 days, if practicable. By increasing the duties of local officers, this bill would impose a state-mandated local program.~~

~~This bill would establish the Anatomical Gift Awareness Trust Fund and would require the department to provide an applicant for a driver's license or an applicant for a personal identification card an opportunity to make a contribution of \$1 to the fund to be used, upon appropriation by the Legislature, exclusively for costs associated with collection of the funds up to 15%, and to reimburse the department and the State Department of Health Services for the costs of programs related to donor awareness and public education about the anatomical gift program and process.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by~~

~~the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

~~SECTION 1. Section 7154.6 is added to the Health and~~

SECTION 1. Section 27491.4 of the Government Code is amended to read:

27491.4. (a) For purposes of inquiry the coroner shall, within 24 hours or as soon as feasible thereafter, where the suspected cause of death is sudden infant death syndrome ~~unless the infant's physician of record certifies sudden infant death syndrome as the cause of death and a parent objects to an autopsy;~~ and, in all other cases, the coroner may, in his or her discretion, take possession of the body, which shall include the authority to exhume ~~such~~ the body, order it removed to a convenient place, and make or cause to be made a post mortem examination or autopsy thereon, and make or cause to be made an analysis of the stomach, stomach contents, blood, organs, fluids, or tissues of the body. The detailed medical findings resulting from an inspection of the body or autopsy by an examining physician shall be either reduced to writing or permanently preserved on recording discs or other similar recording media, shall include all positive and negative findings pertinent to establishing the cause of death in accordance with medicolegal practice and this, along with the written opinions and conclusions of the examining physician, shall be included in the coroner's record of the death. The coroner shall have the right to retain only such tissues of the body removed at the time of the autopsy as may, in his or her opinion, be necessary or advisable to the inquiry into the case, or for the verification of his findings. No person may be present during the performance of a coroner's autopsy without the express consent of the coroner.

~~It~~

1 (b) In any case in which the coroner knows, or has
2 reason to believe, that the deceased has made valid
3 provision for the disposition of his or her body or a part
4 or parts thereof for medical or scientific purposes in
5 accordance with Chapter 3.5 (commencing with Section
6 7150) of Part 1 of Division 7 of the Health and Safety Code,
7 the coroner shall neither perform nor authorize any other
8 person to perform an autopsy on the body unless the
9 coroner has contacted or attempted to contact the
10 physician last in attendance to the deceased. If ~~such~~ the
11 physician cannot be contacted, the coroner shall then
12 notify or attempt to notify one of the following of the need
13 for an autopsy to determine the cause of death: ~~(a)~~ (1)
14 the surviving spouse; ~~(b)~~ (2) a surviving child or parent;
15 ~~(c)~~ (3) a surviving brother or sister; ~~(d)~~ (4) any other kin
16 or person who has acquired the right to control the
17 disposition of the remains. Following a period of 24 hours
18 after attempting to contact the physician last in
19 attendance and notifying or attempting to notify one of
20 the responsible parties listed above, the coroner may
21 perform or authorize the performance of an autopsy, as
22 otherwise authorized or required by law.

23 ~~Nothing~~

24 (c) *Nothing* in this section shall be deemed to prohibit
25 the discretion of the coroner to conduct autopsies upon
26 any victim of sudden, unexpected, or unexplained death
27 or any death known or suspected of resulting from an
28 accident, suicide, or apparent criminal means, or other
29 death, as described in Section 27491.

30 SEC. 2. Section 27491.41 of the Government Code is
31 amended to read:

32 27491.41. (a) For purposes of this section, “sudden
33 infant death syndrome” means the sudden death of any
34 infant that is unexpected by the history of the infant and
35 where a thorough postmortem examination fails to
36 demonstrate an adequate cause of death.

37 (b) The Legislature finds and declares that sudden
38 infant death syndrome (SIDS) is the leading cause of
39 death for children under age one, striking one out of
40 every 500 children. The Legislature finds and declares

1 that sudden infant death syndrome is a serious problem
2 within the State of California, and that public interest is
3 served by research and study of sudden infant death
4 syndrome, and its potential causes and indications.

5 (c) To facilitate these purposes, the coroner shall,
6 within 24 hours, or as soon thereafter as feasible, perform
7 an autopsy in any case where an infant has died suddenly
8 and unexpectedly.

9 (d) The autopsy shall be conducted pursuant to a
10 standardized protocol developed by the State
11 Department of Health Services. The protocol is exempt
12 from the procedural requirements pertaining to the
13 adoption of administrative rules and regulations pursuant
14 to Article 2 (commencing with Section 11342) of Chapter
15 3.5 of Part 1 of Division 3 of Title 2 of the Government
16 Code. The protocol shall be developed and approved by
17 July 1, 1990.

18 (e) The protocol shall be followed by all coroners
19 throughout the state when conducting the autopsies
20 required by this section. The coroner shall state on the
21 certificate of death that sudden infant death syndrome
22 was the cause of death when the coroner's findings are
23 consistent with the definition of sudden infant death
24 syndrome specified in the standardized autopsy protocol.
25 The protocol may include requirements and standards for
26 scene investigations, requirements for specific data,
27 criteria for ascertaining cause of death based on the
28 autopsy, and criteria for any specific tissue sampling, and
29 any other requirements. The protocol may also require
30 that specific tissue samples must be provided to a central
31 tissue repository designated by the State Department of
32 Health Services.

33 (f) The State Department of Health Services shall
34 establish procedures and protocols for access by
35 researchers to any tissues, or other materials or data
36 authorized by this section. Research may be conducted
37 by any individual with a valid scientific interest and prior
38 approval from the State Committee for the Protection of
39 Human Subjects. The tissue samples, the materials, and
40 all data shall be subject to the confidentiality

1 requirements of Section 103850 of the Health and Safety
2 Code.

3 (g) The coroner may take tissue samples for research
4 purposes from infants who have died suddenly and
5 unexpectedly without consent of the responsible adult if
6 the tissue removal is not likely to result in any visible
7 disfigurement.

8 (h) A coroner shall not be liable for damages in a civil
9 action for any act or omission done in compliance with
10 this section.

11 (i) No consent of any person is required prior to
12 undertaking the autopsy required by this section.
13 ~~However, if the physician of record certifies the cause of~~
14 ~~death is sudden infant death syndrome and the parents~~
15 ~~object to an autopsy on religious or ethical grounds, no~~
16 ~~autopsy shall be required.~~

17 *SEC. 3. Section 7150.5 of the Health and Safety Code*
18 *is amended to read:*

19 7150.5. (a) An individual who is at least 18 years of
20 age, *or an individual who is between 15 and 18 years of age*
21 *as specified in subdivision (m)*, may make an anatomical
22 gift for any of the purposes stated in subdivision (a) of
23 Section 7153, limit an anatomical gift to one or more of
24 those purposes, or refuse to make an anatomical gift.

25 (b) An anatomical gift may be made only by ~~a~~ *one of*
26 *the following:*

27 (1) A document of gift signed by the donor. ~~If the~~
28 ~~donor cannot sign, the~~

29 (2) A document of gift ~~must be~~ signed by another
30 individual and by two witnesses, all of whom have signed
31 at the direction and in the presence of the donor and of
32 each other, and state that it has been so signed.

33 (3) *A document of gift orally made by a donor by*
34 *means of a tape recording in his or her own voice.*

35 (c) If a document of gift is ~~attached to or~~ imprinted on
36 a donor's motor vehicle operator's or chauffeur's license,
37 the document of gift ~~must~~ *shall* comply with subdivision
38 (b). Revocation, suspension, expiration, or cancellation of
39 the license does not invalidate the anatomical gift.

1 (d) A document of gift may designate a particular
2 physician or surgeon to carry out the appropriate
3 procedures. In the absence of a designation or if the
4 designee is not available, the donee or other person
5 authorized to accept the anatomical gift may employ or
6 authorize any physician, surgeon, technician, or
7 enucleator to carry out the appropriate procedures.

8 (e) An anatomical gift by will takes effect upon death
9 of the testator, whether or not the will is probated. If, after
10 death, the will is declared invalid for testamentary
11 purposes, the validity of the anatomical gift is unaffected.

12 (f) A donor may amend or revoke an anatomical gift,
13 not made by will, only by one or more of the following:

14 (1) A signed statement.

15 (2) An oral statement made in the presence of two
16 individuals *or by means of a tape recording in the donor's*
17 *own voice.*

18 (3) Any form of communication during a terminal
19 illness or injury addressed to a physician or surgeon.

20 (4) The delivery of a signed statement to a specified
21 donee to whom a document of gift had been delivered.

22 (g) The donor of an anatomical gift made by will may
23 amend or revoke the gift in the manner provided for
24 amendment or revocation of wills, or as provided in
25 subdivision (f).

26 (h) An anatomical gift that is not revoked by the donor
27 before death is irrevocable and does not require the
28 consent or concurrence of any person after the donor's
29 death.

30 (i) An individual may refuse to make an anatomical
31 gift of the individual's body or part by a writing signed in
32 the same manner as a document of gift, a statement
33 ~~attached to or~~ imprinted on a donor's motor vehicle
34 operator's or chauffeur's license, or any other writing
35 used to identify the individual as refusing to make an
36 anatomical gift. During a terminal illness or injury, the
37 refusal may be an oral statement or other form of
38 communication.

39 (j) In the absence of contrary indications by the donor,
40 an anatomical gift of a part is neither a refusal to give

1 other parts nor a limitation on an anatomical gift under
2 Section 7151 or on a removal or release of other parts
3 under Section 7151.5.

4 (k) In the absence of contrary indications by the
5 donor, a revocation or amendment of an anatomical gift
6 is not a refusal to make another anatomical gift. If the
7 donor intends a revocation to be a refusal to make an
8 anatomical gift, the donor shall make the refusal pursuant
9 to subdivision (i).

10 (l) Any signed statement that is in compliance with
11 this chapter, or ~~a signed donor card affixed to a driver's~~
12 license or identification card that meets the requirements
13 for validity set forth in subdivision (b) of Section 12811 of
14 the Vehicle Code or subdivision (b) of Section 13005 of
15 the Vehicle Code, shall be honored and no further
16 consent or approval from the next of kin or other person
17 listed in subdivision (a) of Section 7151 shall be required.

18 (m) *Notwithstanding subdivision (a), an individual*
19 *who is between 15 and 18 years of age may make an*
20 *anatomical gift for any purpose stated in subdivision (a)*
21 *of Section 7153, limit an anatomical gift to one or more of*
22 *those purposes, refuse to make an anatomical gift, or*
23 *amend or revoke an anatomical gift, only upon the*
24 *written consent of a parent or guardian.*

25 *SEC. 4. Section 7151.5 of the Health and Safety Code*
26 *is repealed.*

27 ~~7151.5. (a) Except as provided in Section 7152, the~~
28 ~~coroner or medical examiner may release and permit the~~
29 ~~removal of a part from a body within that official's~~
30 ~~custody, for transplantation, therapy, or reconditioning,~~
31 ~~if all of the following occur:~~

32 ~~(1) The official has received a request for the part from~~
33 ~~a hospital, physician, surgeon, or procurement~~
34 ~~organization or, in the case of a pacemaker, from a person~~
35 ~~who reconditions pacemakers.~~

36 ~~(2) A reasonable effort has been made to locate and~~
37 ~~inform persons listed in subdivision (a) of Section 7151 of~~
38 ~~their option to make, or object to making, an anatomical~~
39 ~~gift. Except in the case of corneal material to be used for~~
40 ~~the purpose of transplantation or where the useful life of~~

1 ~~the part does not permit, a reasonable effort shall be~~
2 ~~deemed to have been made when a search for the persons~~
3 ~~has been underway for at least 12 hours.~~

4 ~~(3) The official does not know of a refusal or contrary~~
5 ~~indication by the decedent or objection by a person~~
6 ~~having priority to act as listed in subdivision (a) of Section~~
7 ~~7151.~~

8 ~~(4) The removal will be by a physician, surgeon, or~~
9 ~~technician; but in the case of eyes, by one of them or by~~
10 ~~an enucleator.~~

11 ~~(5) The removal will not interfere with any autopsy or~~
12 ~~investigation.~~

13 ~~(6) The removal will be in accordance with accepted~~
14 ~~medical standards.~~

15 ~~(7) Cosmetic restoration will be done, if appropriate.~~

16 ~~(b) Except as provided in Section 7152, if the body is~~
17 ~~not within the custody of the coroner or medical~~
18 ~~examiner, a hospital may release and permit the removal~~
19 ~~of a part from a body if the hospital, after a reasonable~~
20 ~~effort has been made to locate and inform persons listed~~
21 ~~in subdivision (a) of Section 7151 of their option to make,~~
22 ~~or object to the making, an anatomical gift, determines~~
23 ~~and certifies that the persons are not available. A search~~
24 ~~for the persons listed in subdivision (a) of Section 7151~~
25 ~~may be initiated in anticipation of death, but, except in~~
26 ~~the case of corneal material to be used for the purpose of~~
27 ~~transplantation or where the useful life of the part does~~
28 ~~not permit, the determination may not be made until the~~
29 ~~search has been underway for at least 12 hours. The~~
30 ~~search shall include a check of local police missing persons~~
31 ~~records, examination of personal effects, and the~~
32 ~~questioning of any persons visiting the decedent before~~
33 ~~his or her death or in the hospital, accompanying the~~
34 ~~decedent's body, or reporting the death, in order to~~
35 ~~obtain information that might lead to the location of any~~
36 ~~persons listed in subdivision (a) of Section 7151.~~

37 ~~(c) Except as provided in Section 7152, if the body is~~
38 ~~not within the custody of the coroner or medical~~
39 ~~examiner or a hospital, the local public health officer may~~
40 ~~release and permit the removal of any part from a body~~

1 ~~in the local public health officer's custody for~~
2 ~~transplantation, therapy, or reconditioning if the~~
3 ~~requirements of subdivision (a) are met.~~

4 ~~(d) An official or hospital releasing and permitting the~~
5 ~~removal of a part shall maintain a permanent record of~~
6 ~~the name of the decedent, the person making the request,~~
7 ~~the date and purpose of the request, the part requested,~~
8 ~~and the person to whom it was released.~~

9 *SEC. 5. Section 7151.5 is added to the Health and*
10 *Safety Code, to read:*

11 *7151.5. (a) Except as provided in subdivision (b), no*
12 *coroner, medical examiner, hospital, local public health*
13 *official, or any other person may release and permit the*
14 *removal of a part from a body, including a cornea, within*
15 *that person's or entity's custody for transplantation,*
16 *therapy, or reconditioning unless the decedent or a*
17 *person listed in subdivision (a) of Section 7151 made an*
18 *anatomical gift in accordance with this chapter.*

19 *(b) Notwithstanding subdivision (a), a coroner,*
20 *medical examiner, hospital, local public health official, or*
21 *any other person may release and permit the removal of*
22 *a part from a body, including a cornea, within that*
23 *person's or entity's custody for transplantation, therapy,*
24 *or reconditioning if the person or entity obtains consent*
25 *from a person listed in subdivision (a) of Section 7151*
26 *either in writing or, upon consent of the parties involved,*
27 *by means of a tape recorded telephone conversation.*

28 *SEC. 6. Section 7155 of the Health and Safety Code is*
29 *amended to read:*

30 *7155. (a) A person may not knowingly, for valuable*
31 *consideration, purchase or sell a part for transplantation,*
32 *therapy, or reconditioning, if removal of the part is*
33 *intended to occur after the death of the decedent. No*
34 *third party, other than a person listed in subdivision (a)*
35 *of Section 7151 who has consented to the removal of a*
36 *body part of the decedent in accordance with Section*
37 *7151 or 7151.5, may receive compensation for the sale or*
38 *transfer of that body part for transplantation, therapy, or*
39 *reconditioning.*

1 (b) Valuable consideration does not include
2 reasonable payment for the removal, processing, disposal,
3 preservation, quality control, storage, transplantation, or
4 implantation of a part.

5 (c) A person who violates this section is guilty of a
6 felony and upon conviction shall be punished by
7 imprisonment in the state prison for three, five, or seven
8 years, a fine not exceeding fifty thousand dollars
9 (\$50,000), or both.

10 *SEC. 7. Section 12811 of the Vehicle Code is amended*
11 *to read:*

12 12811. (a) (1) When the department determines
13 that the applicant is lawfully entitled to a license, it shall
14 issue to the person a driver's license as applied for. The
15 license shall state the class of license for which the
16 licensee has qualified and shall contain the distinguishing
17 number assigned to the applicant, the date of expiration,
18 the name, age, and mailing address of the licensee, a brief
19 description and engraved picture or photograph of the
20 licensee for the purpose of identification, and space for
21 the signature of the licensee.

22 Each license shall also contain a space for the
23 endorsement of a record of each suspension or revocation
24 thereof.

25 The department shall use whatever process or
26 processes, in the issuance of engraved or colored licenses,
27 that prohibit, as near as possible, the ability to alter or
28 reproduce the license, or prohibit the ability to
29 superimpose a picture or photograph on the license
30 without ready detection.

31 (2) In addition to the requirements of paragraph (1),
32 a license issued to a person under 18 years of age shall
33 display the words "provisional until age 18."

34 ~~(b) The department shall provide a form which may~~
35 ~~be carried with the license by which the licensee may~~
36 ~~indicate his or her willingness and intent to make an~~
37 ~~anatomical gift or his or her refusal to make an anatomical~~
38 ~~gift pursuant to Section 7150.5 of the Health and Safety~~
39 ~~Code and the date that a pacemaker has been implanted.~~
40 ~~The department shall present this form, and explain its~~

~~1 use, to each applicant for a license, or for the renewal of
2 a license, at the time of the application develop a
3 procedure that enables a licensee to indicate his or her
4 willingness and intent to make, limit, amend, revoke, or
5 refuse to make an anatomical gift pursuant to Section
6 7150.5 of the Health and Safety Code and, if applicable,
7 the date that a pacemaker has been implanted. The
8 procedure developed by the department shall include a
9 method for indicating the intent of a licensee
10 electronically on the face of the license. The department
11 shall present a form regarding the making of an
12 anatomical gift to ascertain the intent of an applicant for
13 a license, or for the renewal of a license, at the time of the
14 application. The form ~~provided~~ presented shall contain a
15 statement sufficient in its terms to meet the requirements
16 of the Uniform Anatomical Gift Act (Chapter 3.5
17 (commencing with Section 7150) of Part 1 of Division 7
18 of the Health and Safety Code). ~~To be effective, the
19 statement shall be signed by the licensee who shall be at
20 least 18 years of age. If the licensee cannot sign, the
21 statement may be signed for the licensee at his or her
22 direction and in his or her presence in the presence of two
23 witnesses who shall sign the statement in his or her
24 presence. The gift shall become effective upon the death
25 of the licensee.~~~~

26 (c) No public entity or employee is liable for any loss,
27 detriment, or injury resulting directly or indirectly from
28 false or inaccurate information contained in the ~~sticker~~
29 ~~provided form presented~~ pursuant to subdivision (b).

30 (d) No contract shall be let to any nongovernmental
31 entity for the processing of drivers' licenses, unless the
32 department receives two or more qualified bids from
33 independent, responsible bidders.

34 SEC. 8. Section 13005 of the Vehicle Code is amended
35 to read:

36 13005. (a) The identification card shall resemble in
37 appearance, so far as is practicable, a driver's license
38 issued pursuant to this code. It shall adequately describe
39 the applicant, bear his or her picture, and be produced in
40 color or engraved by a process or processes that prohibit

1 as near as possible, the ability to alter or reproduce the
2 identification card, or prohibit the ability to superimpose
3 a picture or photograph on the identification card
4 without ready detection.

5 (b) With every identification card, the department
6 shall ~~provide a form which may be carried with the~~
7 ~~identification card by which the cardholder may indicate~~
8 ~~his or her willingness and intent to make an anatomical~~
9 ~~gift or his or her refusal to make an anatomical gift~~
10 ~~pursuant to Section 7150.5 of the Health and Safety Code~~
11 ~~and the date the pacemaker has been implanted. The~~
12 ~~department shall present this form, and explain its use, to~~
13 ~~each applicant for an identification card, or for the~~
14 ~~renewal of an identification card, at the time of the~~
15 ~~application~~ *develop a procedure that enables a*
16 *cardholder to indicate his or her willingness and intent to*
17 *make, limit, amend, revoke, or refuse to make an*
18 *anatomical gift pursuant to Section 7150.5 of the Health*
19 *and Safety Code and, if applicable, the date that a*
20 *pacemaker has been implanted. The procedure*
21 *developed by the department shall include a method for*
22 *indicating the intent of a cardholder electronically on the*
23 *face of the identification card. The department shall*
24 *present a form regarding the making of an anatomical gift*
25 *to ascertain the intent of an applicant for an identification*
26 *card, or for the renewal of an identification card, at the*
27 *time of the application. The form ~~provided~~ presented*
28 *shall contain a statement sufficient in its terms to meet*
29 *the requirements of the Uniform Anatomical Gift Act*
30 *(Chapter 3.5 (commencing with Section 7150) of Part 1*
31 *of Division 7 of the Health and Safety Code). ~~To be~~*
32 *effective, the statement shall be signed by the holder of*
33 *the card, who shall be at least 18 years of age. If the holder*
34 *of the card cannot sign, the statement may be signed for*
35 *the cardholder at his or her direction and in his or her*
36 *presence in the presence of two witnesses who shall sign*
37 *the statement in his or her presence. The gift shall*
38 *become effective upon the death of the holder of the*
39 *card.*

(c) No contract shall be let to any nongovernmental entity for the processing of identification cards unless the department receives two or more qualified bids from independent, responsible bidders.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

Safety Code, to read:

~~7154.6. Peace officers and emergency medical personnel responding to a scene of a medical emergency shall ensure that a victim's driver's license or personal identification card containing an anatomical gift consent form, if any, and a medical alert bracelet, if any, shall accompany the victim upon transport to the hospital. If the victim does not survive, hospital personnel shall return the license or personal identification card to the Department of Motor Vehicles within five days, if practicable.~~

1 ~~SEC. 2. Article 6 (commencing with Section 12960) is~~
2 ~~added to Chapter 1 of Division 6 of the Vehicle Code, to~~
3 ~~read:~~

4
5 ~~Article 6. Anatomical Gift Awareness Trust Fund~~
6

7 ~~12960. (a) "Fund" as used in this article means the~~
8 ~~Anatomical Gift Awareness Trust Fund established by~~
9 ~~this article.~~

10 ~~(b) The Anatomical Gift Awareness Trust Fund is~~
11 ~~hereby established as a special fund in the State Treasury.~~
12 ~~All contributions received by the department pursuant to~~
13 ~~this article shall be deposited into the fund, and shall be~~
14 ~~expended, upon appropriation by the Legislature,~~
15 ~~exclusively for all of the following:~~

16 ~~(1) To reimburse the costs associated with collection of~~
17 ~~the moneys deposited into the fund, including the costs~~
18 ~~of the department and the costs of the treasurer, not to~~
19 ~~exceed 15 percent of the fund.~~

20 ~~(2) To reimburse the department and the State~~
21 ~~Department of Health Services for the costs of programs~~
22 ~~related to donor awareness and public education about~~
23 ~~the anatomical gift program and process.~~

24 ~~(c) The department shall provide an applicant for a~~
25 ~~driver's license pursuant to Section 12800, or an applicant~~
26 ~~for a personal identification card pursuant to Section~~
27 ~~13000, an opportunity to make a contribution of one dollar~~
28 ~~(\$1) to the fund. The contribution, if made, shall be added~~
29 ~~to the license or identification card fee. The department~~
30 ~~shall monthly determine the amount collected pursuant~~
31 ~~to this article and shall report the amount to the treasurer~~
32 ~~who shall transfer the amount to the fund to be held in~~
33 ~~trust for the purposes set forth in this article.~~

34 ~~SEC. 3. Notwithstanding Section 17610 of the~~
35 ~~Government Code, if the Commission on State Mandates~~
36 ~~determines that this act contains costs mandated by the~~
37 ~~state, reimbursement to local agencies and school~~
38 ~~districts for those costs shall be made pursuant to Part 7~~
39 ~~(commencing with Section 17500) of Division 4 of Title~~
40 ~~2 of the Government Code. If the statewide cost of the~~

~~1 claim for reimbursement does not exceed one million
2 dollars (\$1,000,000), reimbursement shall be made from
3 the State Mandates Claims Fund.~~

~~4 Notwithstanding Section 17580 of the Government
5 Code, unless otherwise specified, the provisions of this act
6 shall become operative on the same date that the act
7 takes effect pursuant to the California Constitution.~~

